

may profitably offer their opinions on the several problems and aspects. It is not a special feature of this committee alone where notice of meeting has not been issued at the proper time as required by the rules but in almost all committees such a thing prevails. We have found the same disadvantage in respect of the present legislative Bills. We get notices today stating that legislative business will be taken up not in accordance with the first notice but on a date curtailing the period of notice. I do not appreciate the hurry with which the legislative business is sought to be transacted in this House without giving sufficient notice and with scant courtesy to members. I do not understand why it is said that the Committee have not thought it fit to republish the Bill as revised by the Select Committee's report. Though generally the Committee is not responsible to the public, the public are very eager to know why and how the Bill is revised and framed and also the nature of the discussion carried on by the members of the Select Committee. Invariably I find that there is inordinate and un-understandable hurry in rushing through the reports of many committees. Such things should be checked because we have first of all to understand what we are asked to do and then see how best it has to be done. In such matters, we feel helpless. I would once again request Government not to rush through such important matters but to afford ample opportunities to the public and to this House to study them.

PRESIDENT: We will now proceed to the legislative business.

LEGISLATIVE BUSINESS.

THE TRAVANCORE HIGH COURT ACT (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to present the report of the Select Committee on the Travancore High Court Act (Amendment) Bill. The Select Committee have not made any amendments in the substance of any of the sections. The suggestions made by the Select Committee have been to clarify and make more clear what was intended by the various sections and the report of the Select Committee has been printed and supplied to the members of the Legislature. Now then, there is the Bill along with the Committee report for consideration. There are two dissenting minutes to the report. I do not want to say anything on those dissenting minutes as in neither of them is there any proposal with regard to the clauses of the Bill. In the dissenting minute of the honourable member Mr. T. K. Velu Pillai, there is one sentence which reads to this effect. "The mover was not able to say whether the High Court expressed any opinion on the Bills." I am sorry to say that I have to object to this sentence because it is incorrect. It is untrue to say that the mover was not able to say whether the High Court expressed any opinion on the Bill. When the Committee met for discussing the High Court Act

[Mr. K. G. Kunjukrishna Pillai.]

Amendment Bill, the honourable member Mr. M. R. Narayana Pillai pointedly asked me whether the matter has been considered by the High Court and I told the members of the Committee about that point.

PRESIDENT : The proceedings of the Select Committee are confidential.

MR. K. G. KUNJUKRISHNA PILLAI : It is not true to say that I was not able to tell the Committee whether the High Court expressed any opinion on the Bills. Every member of the Select Committee present here will support me on that point. Evidently it may be that I was not able to satisfy the honourable member as regards that point. With these words I move that the report of the Select Committee be taken into consideration.

MR. M. R. NARAYANA PILLAI : Sir, I oppose the motion. Standing Order 41 (1) says: "After the presentation of the final report of the Select Committee on a Bill, the member in charge may move:—

(i) that the Bill as reported by the Committee be taken into consideration; but any member may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, or if three months have not elapsed from the date of the first publication of the Bill.....".

This Bill was published on 25th May 1943 and it was introduced in the Assembly on 1st of June 1943. Today it is only the 22nd of July. We have not even completed two months and in my dissenting note I have specially pointed out that there is no need to rush through this measure which is a very important one and without going into all the serious aspects of the problem involved therein. I also asked the member in charge of the Bill that.....

PRESIDENT : How is the honourable member going to look into all the aspects of the case in the next one month especially after the Select Committee has disposed of the Bill?

MR. M. R. NARAYANA PILLAI : I have shown all these points in my dissenting note. This is a matter in which every member of the public is vitally interested. This Bill affects not only litigants and practising lawyers but also the members of the judiciary who are functioning as Judges. I asked the honourable Legal Remembrancer to place all the relevant papers in this connection before us during the discussion before the Select Committee. It is a matter of common knowledge that the Select Committee is entitled to go into all the relevant papers and nothing should be kept back from it. It is a Committee representing the House and not a Committee of experts sitting to give opinion as to the quality of the Bill or the manner in which the Bill is to be disposed of. That is the position.

MR. K. G. KUNJUKRISHNA PILLAI: On the strength of the same Standing Order I suggest that the Standing Order be waived.

PRESIDENT: Does any other member wish to speak on this motion?

SADASYATILAKA T. K. VELU PILLAI: I have to bring one aspect of the matter for the attention of the Chair. When the Legal Remembrancer knows the rule that the President may exercise the power to suspend the rule, the application for such suspension must be made by the Legal Remembrancer before he makes the motion and not after, as is now being done. When once the matter has been disposed of in such a manner I take objection to the suggestion of the Legal Remembrancer. In other words what I suggest is, the Chair does not ratify the wrong thing that has taken place.

PRESIDENT: The honourable member is not in order. If the honourable member would look into the Rule it will be observed that after the presentation of the final report of the Select Committee on a Bill the member in charge may move that the Bill as reported by the Committee be taken into consideration. But any member may object to that being so taken on the following grounds viz., that the report has not been made available for the use of members for seven days or if three months have not elapsed from the date of the first publication and such objection shall prevail unless the President in the exercise of his power to suspend this order allows the report to be taken into consideration. That is the position. No invocation of the power of the President by anybody is necessary. Therefore, I have taken the power to allow the report to be taken into consideration.

MR. M. R. NARAYANA PILLAI: Sir, there is another point for consideration. We have received three notices as the agenda of this session. The first one is dated 12th June in which we find the official legislative business as the first item and the general discussion of the budget comes after that. Then the next one, received on the 14th July, says that financial business will be taken first and the legislative business will come after the general discussion of the budget. Again yesterday we received another notice dated 20-7-1948 changing the order of legislative business. Under these circumstances I move that the consideration of the High Court Act (Amendment) Bill may take place in the next session.

MR. M. SIVATHANU PILLAI: I second it.

The motion was put to vote and lost.

SADASYATILAKA T. K. VELU PILLAI: I move that this Bill be re-committed to the Select Committee. One reason which induces me to take this attitude is because of the information placed before the House by Mr. Narayana Pillai. The notice of that particular fact in the agenda that legislative business will come up for consideration to day was received long after the "due time" so that under the rules we shall not be able to send in amendments in due time.

PRESIDENT: Has the necessary notice been given?

MR. K. G. KUNJUKRISHNA PILLAI: It has been published in the Gazette over 10 days back.

SADASAYTILAKA T. K. VELU PILLAI: "a member who wishes to move a motion shall give notice of his intention to the Secretary six clear days before the meeting at which he intends to move the motion". We got the agenda so late that we were not able to send in amendments within the prescribed time.

PRESIDENT: The notice came to you so late that you could not give notice of amendments?

MR. K. G. KUNJUKRISHNA PILLAI: It is certainly not a fact.

PRESIDENT: When was notice given?

MR. M. R. NARAYANA PILLAI: 14th July 1943.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI (*Chief Secretary to Government*): There was the preliminary notice of the 12th June issued to the members, in which it was stated that official legislative business would be transacted on the 22nd and the 23rd July.

PRESIDENT: When was notice given that the Travancore High Court Act (Amendment) Bill will be taken up for consideration today?

MR. M. R. NARAYANA PILLAI: The latest notice is dated the 20th July 1943. In fact, I received it only yesterday.

PRESIDENT: The only question for me to consider is whether the notice has been given by the Secretary six clear days before the sitting of the Assembly at which the Bill is to be considered. Otherwise, any honourable member may object to the moving of the Bill. Therefore, it is necessary that the proceedings should be so conducted that notice of the proposed amendments should have been given six clear days before the sitting of the Assembly. Today is the 22nd July. Therefore by the 15th of July the notice must have been in the hands of the honourable members. Was that the case?

MR. K. G. KUNJUKRISHNA PILLAI: Sir, May I invite your attention to Standing Order 96 on page 35 of the Manual:— "...if the Bill has been amended, the Bill as amended by the Committee shall be caused by the Secretary to be printed and a copy made available for the use of every member of the Assembly. The report and the minutes, if any, and, if the Bill has been amended, the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Committee, be published in the Gazette in the languages in which the original Bill was published".

PRESIDENT: That does not arise in this particular case.

MR. K. G. KUNJUKRISHNA PILLAI: The Bill as amended was published in the Government Gazette. If the honourable members are not prepared to send in the amendments I am not at fault. I move that the Bill be taken into consideration.

PRESIDENT: What I want to know from the Secretary is when the Bill was published in the Gazette and when it was notified that this Bill will be taken up for consideration today. Surely the Secretary should be in a position to give the dates.

MR. K. G. KUNJUKRISHNA PILLAI : Sir, the Bill as revised by the Select Committee was published in the Gazette on the 5th July 1943.

PRESIDENT : When was notice given that this Bill will be taken up for consideration today?

SECRETARY : On the 14th July 1943.

PRESIDENT : The Secretary tells me that the notice that the Travancore High Court Act (Amendment) Bill will be taken up for consideration today went out on the 14th July 1943. On the basis of that I proceed.

MR. M. R. NARAYANA PILLAI : That is only the general notice. Generally legislative business will be taken up for consideration only after the voting of demands. The Chair generally allows 2 days for the general discussion of the budget and 7 days for the voting of demands.

PRESIDENT : I think the point of order must prevail. There has been a very regrettable want of co-ordination in this respect. According to the notice dated 14th July 1943 it is clear that the legislative business is posted after the general discussion of the budget and after the voting of demands for grants.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI : The notice dated the 14th July makes no reference to dates on which particular items of business would be transacted. That is only the general agenda of the session, showing all the business to be transacted during the session. For the dates, reference has to be made to the notice of the 12th June. The final agenda for each day is usually given only later.

PRESIDENT : Any how this business cannot be taken up today. It must come after the voting of demands for grants.

THE CIVIL PROCEDURE CODE (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI : Sir, I rise to present the report of the Select Committee on the Civil Procedure Code (Amendment) Bill and move that the Bill be taken into consideration.

MR. M. R. NARAYANA PILLAI : Sir, I object to the motion on the same grounds as advanced before.

PRESIDENT : I do not think that I need go through all the formalities. The whole of the legislative business will be taken up after the voting of demands for grants.

Honourable members may make up their minds as to whether they may not start the general discussion of the budget tomorrow. Do the honourable members consent to it? That will only be done by general consent.

The motion was put and carried.

PRESIDENT : So the general discussion of the budget will begin tomorrow. The House will now adjourn and meet again tomorrow at 12 Noon.

The House adjourned at 1-40 p. m.

B. PARAMU,

Secretary to the Sri Mulam Assembly.